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असाधारण
EXTRAORDINARY

भाग 2—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

BILL No. 59 OF 1969

A Bill to amend the Untouchability (Offences) Act, 1955.

BE it enacted by Parliament in the Twentieth year of the Republic of India as follows:—

1. (1) This Act may be called the Untouchability (Offences) Amendment Act, 1969

Short title and Commencement

(2) It shall come into force at once

22 of 1955

2. In section 2 of the Untouchability (Offences) Act, 1955 (hereinafter referred to as the principal Act), after clause (d) the following new clause shall be inserted, namely:—

Amendment of section 2.

“(dd) ‘practice of untouchability’ in relation to an individual or a company includes any action taken by such individual or company, whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise—

(i) which is intended for or supports treating of a person or class of persons as untouchable; and

(ii) which seeks to defend the practice of untouchability by offering philosophical, religious or any other justification for it.”

Amend-
ment
of sec-
tion 3.

3. In section 3 of the principal Act, for the words "shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees, or with both.", the words "shall be punishable with imprisonment which may extend to three years" shall be substituted.

Amend-
ment of
section
4.

4. In section 4 of the principal Act, for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.", the words "shall be punishable with imprisonment which may extend to three years," shall be substituted.

Amend-
ment of
section
5.

5. In section 5 of the principal Act, for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees or with both.", the words "shall be punishable with imprisonment which may extend to three years." shall be substituted.

Amend-
ment of
section
6.

6. In section 6 of the principal Act, for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees or with both.", the words "shall be punishable with imprisonment which may extend to three years" shall be substituted.

Amend-
ment of
section
7.

7. In section 7 of the principal Act, in sub-section (1),—

(i) after part (c) the following part shall be inserted, namely:—

"(d) by words, either spoken or written, or by signs or by visible representations or otherwise preaches, defends or justifies the doctrine or practice of untouchability in any form whatsoever;"

(ii) for the words "shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees, or with both.", the words "shall be punishable with imprisonment which may extend to three years." shall be substituted.

Amend-
ment of
section
11.

8. In section 11 of the principal Act, for the words "punishable with both imprisonment and fine.", the words "punishable with imprisonment which may extend to five years and with a fine which may extend to five thousand rupees", shall be substituted.

Amend-
ment of
section
15.

9. In section 15 of the principal Act, for part (b) the following part shall be substituted, namely:—

"(b) no offence under this Act shall be compounded."

STATEMENT OF OBJECTS AND REASONS

The recent speeches of Shankaracharya of Puri and Karpatriji Maharaj offering justification for the odious practice of untouchability on the basis of the so called *Shastras* has brought into sharp focus the fact that despite the constitutional prohibition, this practice not only has not disappeared from the country but that there are important people who do not hesitate to defend it on philosophical and religious grounds.

The Harijans suffer from many disabilities in the rural areas and in the urban centres in the matter of housing, drinking water and opportunities of public employment. Although the Ministry of Home Affairs had in a circular directed that the Harijans and Adivasis should get representation in the Central services in proportion to their population, report after report of the Commissioner for Scheduled Castes and Scheduled Tribes has pointed out that Harijans' and Adivasis' representation in Class I, Class II and Class III services is only 1.5, 3.5 and 7 per cent respectively.

In the rural areas, Harijans live in hovels situated in low-lying areas which generally get flooded during the rainy season. Although they pay the taxes and wells are constructed by the Government and local bodies for providing drinking water, in most villages Harijans dare not fetch water from these wells for the fear of their being ostracised and beaten up by the *savarna* villagers. On the top of this come these statements from Hindu religious leaders. If obscurantism among the Hindus is not curbed, it will only strengthen the obscurantism among the Muslims and other communities. It will also lead to social discard and destroy the fabric of our secular democratic State.

This Bill seeks to define the term 'practice of untouchability' by including in it justification on philosophical, religious and other grounds. It also seeks to enhance the punishment for this crime from 6 months to 3 years and also bars compounding of untouchability offences.

NEW DELHI;
The 11th April, 1969.

MADHU LIMAYE.

BILL NO. 54 OF 1969

A Bill further to amend the Constitution of India.

Enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1969. Short title.
2. (1) In Part X of the Constitution, for the heading, the following Amendment of Part X.
heading shall be substituted, namely:—

“THE SCHEDULED AND TRIBAL AREAS AND AUTONOMOUS STATES”

- (2) In article 244A of the Constitution,—

- (a) in clause (1),

- (i) after the words “State of Assam”, the words “or any other State mentioned in the First Schedule” shall be inserted;

(ii) after the words "Sixth Schedule", the words "in respect of the State of Assam and the territory mentioned in the said law in respect of any other State" shall be inserted;

(b) in clause (2),—

(i) in part (a), after the words "the State of Assam", the words "or any other State mentioned in the First Schedule" shall be inserted;

(ii) in part (c), after the words "the State of Assam", the words "or any other State mentioned in the First Schedule" shall be inserted.

Amend-
ment of
article
471B.

3. In article 371B of the Constitution,—

(a) after the words "the State of Assam", the words "or any other State mentioned in the First Schedule" shall be inserted;

(b) the words "of that Assembly elected" shall be omitted;

(c) after the words "Sixth Schedule", the words "in respect of the State of Assam and from the territory mentioned in the said law in respect of any other State" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Two contradictory theories are contending for supremacy in Indian politics today:

1. Theory of strong Centre and weak States; and
2. Theory of weak Centre and strong States.

Both the theories, I think, are irrelevant, anti-people and anti-democratic because they do not think in terms of genuine decentralisation of power and increasing public participation in the political and governmental affairs of our country.

All socialists and democrats must reject the theories of concentration of power in the Centre in Delhi, with the States or constituent parts transformed into mere convenient administrative units without personality or power of their own.

Such an arrangement cannot work in a vast country like ours for instead of strengthening the unity of nation, it will add fuel to the tension and discord within our body politic. We must also repudiate the pretensions of States to be of powerful sub-nations, with regions, districts, panchayats and municipalities bereft of any share in this power.

These pretensions will ultimately result in the perpetuation of imbalances in regional economic development and suppression of legitimate local aspirations. Besides, the doctrine of strong States will inevitably encourage the demands for separate States by neglected and suppressed regions.

Under our Constitution, curiously enough, it is easier to create new, separate States than to establish autonomous States or regions within existing States. The former can be done by simple majority legislation whereas the latter would entail a special majority under article 368.

This Bill will introduce a certain flexibility in our constitutional structure and remove the anomaly of a built-in bias in favour of separate States.

My Bill is a companion Bill of another which proposes to confer constitutional status and power on local bodies with a view to rounding off the constitutional system based on decentralisation and the establishment of governmental authorities with limited power at various levels.

NEW DELHI;
The 24th April, 1969.

MADHU LIMAYE.

BILL No. 54 OF 1969

A Bill to constitute Teachers' Unions and to provide for their representation in Central Universities bodies.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Universities (Teachers' Participation) Act, 1969.

Short
title
and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different Central Universities.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) "Central University" means—

(i) the Banaras Hindu University established under the Banaras Hindu University Act, 1915, or

(ii) the Aligarh Muslim University established under the Aligarh Muslim University Act, 1920, or

40 of 1920.

(iii) the Delhi University established under the Delhi University Act, 1922, or

8 of 1922.

(iv) the Visva-Bharati as incorporated under the Visva-Bharati Act, 1951, or

29 of 1951.

(v) the Jawaharlal Nehru University constituted under the Jawaharlal University Act, 1966,

53 of 1966.

as the case may be;

(b) "college" means a college or a teaching institution maintained by, or admitted to the privileges of, a Central University;

(c) "College Teachers' Union" means a Teachers' Union constituted for a college under section 9 of this Act;

(d) "prescribed" means prescribed by bye-laws made under this Act;

(e) "University Teachers' Union" means a Teachers' Union constituted for a Central University under section 3 of this Act.

Constitution of University Teachers' Union.

3. (1) There shall be constituted a Teachers' Union in each Central University.

(2) Every Teachers' Union constituted under sub-section (1) shall be a body corporate by the name under which it is constituted, having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) Every teacher admitted to a Central University or to any of its colleges shall be a member of the Teachers' Union constituted under sub-section (1) for that University:

Provided that a teacher may, by notice in writing to the Registrar of the Central University, terminate, without assigning any reason, his membership of the University Teachers' Union.

Constitution, etc. of a Managing Committee.

4. (1) Every Teachers' Union constituted under section 3 shall have a Managing Committee which shall be responsible for the management and administration of the affairs of the Teachers' Union in accordance with the provisions of this Act.

(2) The Managing Committee shall consist of the following persons, namely:—

(a) a President, a Vice-President and a Secretary to be elected by all the members of the Teachers' Union;

(b) the President and Secretary of all the College Teachers' Unions, *ex-officio*;

(c) such number of other members, not exceeding five, as may be prescribed.

(3) The term of office of the members of the Managing Committee, the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, the members of the Managing Committee shall be such as may be prescribed.

5. The University Teachers' Union shall exercise the following powers and perform the following duties, namely:—

Powers
of
Univer-
sity
Teachers'
Union.

(a) to hold regular meetings and conferences and to invite eminent persons to address such meetings and conferences;

(b) to communicate with the authorities of the Central University regarding any problems arising in the administration of the affairs of the University;

(c) to settle all differences amicably between the authorities and teachers so as to prevent demonstrations and strikes;

(d) to arrange periodical meetings between the teachers and students of the Central University so as to exchange views and promote cordial relationship between them;

(e) to represent the teachers of the University at all important meetings and conferences convened by the Central University;

(f) to perform such other functions as may be prescribed.

6. At least one-fifth of the total membership of the Court, the Academic Council, Executive Committee, Senate and such other authorities of a Central University shall be elected or nominated by University Teachers' Union.

Representa-
tion in
the autho-
rities of the
Central
Univer-
sity.

7. (1) Every teacher admitted to a Central University or to any of its colleges, other than any teacher referred to in the proviso to sub-section (3) of section 3, shall pay a sum of not less than rupees five per month or one per cent of his monthly emoluments, whichever is higher, as subscription.

Funds of
the Uni-
versity
Teachers'
Union.

(2) Every University Teachers' Union shall have a Fund to be called the Teachers' Union Fund and there shall be credited thereto—

(a) the subscriptions collected under sub-section (1);

(b) all moneys received by the University Teachers' Union by way of grant, gift, donation, contribution, transfer or otherwise.

(3) The amounts in the Fund shall be deposited in such scheduled banks and shall be operated by such persons and in such manner as may be prescribed.

(4) The amounts in the Fund shall be applied for meeting the express of the University Teachers' Union including expenses incurred in the exercise of its powers and the performance of its duties under this Act and the surplus, if any, shall be invested in such securities as may be prescribed.

8. (1) The Managing Committee shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed.

Accounts
and
audit.

(2) The accounts of the University Teachers' Union shall be audited in such manner as may be prescribed, by a chartered accountant within the meaning of the Chartered Accountants Act, 1949 or by a teacher, who,

in the opinion of the Managing Committee, has adequate knowledge or experience in the audit of accounts.

**Constitution of
College
Teachers'
Unions.**

9. (1) There shall be constituted a Teachers' Union in every college.

(2) A College Teachers' Union shall consist of a President, Vice-President, a Secretary and such number of other members not exceeding eight as may be specified by the Principal or head of the college, to be elected by all the teachers of the college.

(3) The powers, duties and functions relating to the College Teachers' Union shall be such as may be prescribed by the University Teachers' Union.

**Powers to
frame
bye-laws.**

10. (1) The Executive Council of a Central University may, with the prior approval of the Court of the University, frame bye-laws for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the following matters, namely:—

(a) the number of members to be elected or nominated to the Managing Committee;

(b) the term of office of the members of the Managing Committee, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, such members;

(c) the additional functions which a University Teachers' Union may perform;

(d) the manner in which the amounts in the Fund shall be deposited or invested;

(e) the form in which the annual statement of accounts of the University Teachers' Union shall be prepared;

(f) the manner in which the accounts of the University Teachers' Union shall be audited;

(g) the powers, duties and functions that may be performed by the College Teachers' Unions;

(h) any other matter which is required to be, or may be, prescribed.

STATEMENT OF OBJECTS AND REASONS

I had sought the amendment of the Central Universities laws to provide for the setting up of students' unions and their representation on University bodies such as the Court/Executive Committee/Academic Council etc.

This Bill gives a minimum of 1/5 representation to the teachers' associations on these bodies.

By this Bill I seek to round off the process of the transformation of our institutions of higher education into progressive academic communities where students and teachers jointly explore the chartered and unchartered oceans of knowledge and learning.

It is not enough to have teachers on University bodies in their individual capacity or on faculty basis. It is absolutely necessary to foster collective life among teachers as well as among students.

This Bill is complementary to my Bill on students' participation in University administration, the motion for whose circulation has been adopted by Lok Sabha and public opinion on which is being elicited by March next year.

I understand that the University Grants Commission is setting up a study group to look into this proposal. They might, therefore, as well examine the complementary proposal of teachers' representation in their collective capacity on University bodies.

NEW DELHI;

MADHU LIMAYE.

The 1st May, 1969.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill confers on the University Court and Executive Council **cer-**
tain rule making powers.

This delegation of rule making authority is of a normal character and
wholly legal and constitutional.

BILL No. 53 of 1969.

A Bill to amend the University Grants Commission Act, 1956.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the University Grants Commission (Amendment) Act, 1969.

Short
title.

2 of 1956.

2. After section 12 of the University Grants Commission Act, 1956 (hereinafter referred to as the principal Act), the following new section shall be inserted, namely:—

Inser-
tion of
new sec-
tion 12A.

12A. Notwithstanding anything contained in this Act or any other Act, it shall be the special duty of the Commission to make recommendations to the State Governments and Universities concerned in respect of—

(a) the compulsory setting up of University Teachers' Unions and College Unions with the right of teachers to opt out of membership;

- (b) the mandatory setting up of teacher-student joint staff committees at the University and college levels for discussing University problems and making suggestions to the appropriate college and University bodies; and
- (c) the necessary amendment of the University Acts to provide for participation in and association with the University bodies, such as Court/Senate/Academic Council specified by the Commission of representatives elected by the teachers or nominated by their Unions.

Explanation.—The word “teachers” includes “demonstrators”, “tutors”, “teachers”, “readers” and “professors” but not “Heads of Departments” or “Deans” or “Vice-Chancellors” or “Principals”.

Amend-
ment of
section
14.

3. In section 14 of the principal Act, after the words and figures “section 12”, the words and figures “or section 12A” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Under the various enactments relating to State Universities, the teachers are even at present represented on the various University bodies such as the Courts, Senates etc. on faculty basis but not collectively, not as an organised body.

Unless the teachers are encouraged to form their own unions and associations and are given representation as a class, their point of view will not be properly represented in the Councils of the Universities. The universities and colleges today have become an arm of the establishment; they are under the domination of money, power and in some cases unhealthy foreign influences.

This Bill is complementary to the one which I have already introduced to provide for the establishment of Students' Unions and their representation on University bodies collectively. These Bills seek amendment of the University Grants Commission Act, 1956 to project the idea of a progressive university community of students and teachers.

NEW DELHI;
The 1st May, 1969.

MADHU LIMAYE.

BILL No. 58 OF 1969

A Bill to provide for the taking of an opinion poll to ascertain the wishes of the electors of Telengana with regard to future status thereof and for matters connected therewith.

Enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short
title and
com-
mence-
ment.

1. (1) This Act may be called the Telengana (Opinion Poll) Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Defini-
tions.

2. (1) In this Act unless the context otherwise requires,—

(a) "Chief Election Commissioner" means the Chief Election Commissioner appointed by the President under article 324 of the Constitution;

(b) "elector" means in relation to Telengana a person whose name is entered in the electoral roll of an assembly constituency for the time being in force in Telengana;

(c) "opinion poll" means a poll taken to ascertain the wishes of the electors in pursuance of the provisions of this Act;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "Telengana" means the territory comprised in the former State of Hyderabad as transferred to the State of Andhra under section 3 of the States Reorganisation Act, 1956;

43 of 1950. (2) All other words and expressions used but not defined in this Act
43 of 1951. and defined in the Representation of the People Act, 1950, or as the case
may be, in the Representation of the People Act, 1951, shall have mean-
ings respectively assigned to them in those Acts.

3. An opinion poll shall be taken for the purpose of ascertaining the
wishes of the electors of Telengana as to whether Telengana should
separate from the State of Andhra Pradesh or should continue to be
within the State of Andhra Pradesh.

4. Every elector of an assembly constituency in Telengana, and no
other person, shall be entitled to vote at the opinion poll taken in rela-
tion to Telengana for the purpose mentioned in section 3.

5. The opinion poll shall be conducted under the superintendence,
direction and control of the Chief Election Commissioner.

6. The Chief Election Commissioner shall designate or nominate one
Opinion Poll Commissioner in relation to the opinion poll in Telengana
and such opinion poll commissioner shall be an officer of Government.

7. (1) The Chief Election Commissioner may appoint one or more per-
sons to assist the Opinion Poll Commissioner in the performance of his
functions, and every such person shall be an officer of the Government
and shall be called an Assistant Poll Commissioner.

(2) Every Assistant Opinion Poll Commissioner shall, subject to the
control of the Opinion Poll Commissioner, be competent to perform all or
any of the functions of the Opinion Poll Commissioner.

8. Every local authority in the Telengana area shall, when so requested
by the Chief Election Commissioner, or the Opinion Poll Commissioner,
make available to such Opinion Poll Commissioner such staff as may be
necessary in the performance of any duties in connection with the opinion
poll.

Opinion
poll to
ascertain the
future
status
of Tele-
ngana.

Persons
entitled
to vote
at
opinion
poll.

Conduct
of opi-
nion
poll
under
the
superin-
tendence,
direc-
tion and
control
of
Chief
Election
Commis-
sioner.

Opinion
Poll
Com-
mis-
sioner.

Assistant
Opinion
Poll
Commis-
sioners.

Staff of
every
local
author-
ity to
be made
avall-
able for
work in
connec-
tion
with the
opinion
poll.

Notifica-
tion for
opinion
poll.

9. The President shall, in consultation with the Chief Election Commissioner, by notification published in the Gazette of India, fix the date or dates on which the opinion poll shall be taken in accordance with the provisions of this Act and the rules or orders made thereunder in relation to Telengana.

Provi-
sion of
polling
stations.

10. The Opinion Poll Commissioner of Telengana shall, with the previous approval of the Chief Election Commissioner, provide a sufficient number of polling stations for the nine districts of Telengana and shall publish a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.

Fixing
time for
opinion
poll.

11. The Chief Election Commissioner shall fix the hours during which the opinion poll shall be taken; and the hours so fixed shall be published in such manner as may be prescribed:

Provided that the total period allotted on any one day for polling at an opinion poll shall not be less than eight hours.

Man-
ner of
voting
at opi-
nion
poll.

12. At the opinion poll, votes shall be given by ballot in such manner as may be prescribed, and no vote shall be received by proxy.

Declara-
tion of
results.

13. When the counting of votes has been completed, the Opinion Poll Commissioner shall, unless otherwise directed by the Chief Election Commissioner, forthwith declare the result of the opinion poll in the manner provided by this Act or the rules made thereunder.

Report
of the
result.

14. As soon as may be after the result of the opinion poll has been declared, the Opinion Poll Commissioner shall report the result to the Governor of Andhra Pradesh and to the Chief Election Commissioner and the Governor shall cause the same to be published in the Official Gazette.

Delega-
tion of
func-
tions of
Chief
Election
Com-
mis-
sioner.

15. The functions of the Chief Election Commissioner under this Act and the rules made thereunder may, subject to such general or special directions, if any, as may be given by the Chief Election Commissioner in this behalf, be performed also by a Deputy Election Commissioner or by the Secretary to the Election Commission.

Appli-
cation
of cer-
tain
provi-
sions of
Act 43
of 1951.

16. The provisions of sections 46 to 49, 51, 56 to 62, 64, 64A, 65 and 160 to 167 of the Representation of the People Act, 1951 in so far as they relate to the appointment of polling and counting agents, mode of counting of votes etc. shall apply to and in relation to an opinion poll as they apply to and in relation to the election and any reference to the State Government in those provisions shall be construed as reference to the Governor of Andhra Pradesh. 43 of 1951.

Other
electo-
ral
offences.

17. The provisions of sections 125 to 132 and 134 to 136 of the Representation of People Act, 1951 shall, so far as may be, apply to an opinion poll as they apply to an election under that Act, and any reference in those provisions to— 43 of 1951.

(a) the Chief Electoral Officer shall be omitted;

(b) a Returning Officer and an Assistant Returning Officer shall be construed as a reference to an Opinion Poll Commissioner and Assistant Opinion Poll Commissioner respectively.

18. The Central Government may, after consultation with the Chief Election Commissioner, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power
to
make
Rules.

19. No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Chief Election Commissioner or by the Opinion Poll Commissioner or any other person appointed under this Act in connection with an opinion poll.

Juris-
diction
of civil
courts
barred.

20. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, do anything not inconsistent with such provisions which appear to it to be necessary or expedient for the purpose of removing the difficulty.

Removal
of
difficul-
ties.

STATEMENT OF OBJECTS AND REASONS

Telengana region in the State of Andhra Pradesh comprises nine districts with a population of about 15 million people. This region was a part of the erstwhile State of Hyderabad until the 1st November, 1956. This region was merged with the then Andhra State on the 1st November, 1956 resulting in the formation of Andhra Pradesh.

The leaders of Telengana and Andhra had subscribed to an agreement on the 20th February, 1956 in Delhi, which embodied certain safeguards to Telengana people with regard to employment, economic development and educational facilities etc. This agreement is popularly known as "Gentlemen's Agreement."

In pursuance of the aforesaid agreement the Central Government enacted legislation to give a statutory shape to the "safeguards". But the Government of Andhra Pradesh has failed to implement these safeguards in letter and spirit all these 13 years as a result of which the people of Telengana region suffered gross injustice in the matter of employment and economic development. The failure of the State Government in honouring the pledges evoked great resentment and created serious dissatisfaction among the people of Telengana. There has been a widespread public agitation during last 5 months all over Telengana demanding separation of Telengana from Andhra Pradesh and formation of a separate State of Telengana. There are also some sections of people demanding continuance of integrated Andhra Pradesh in the present form. With a view to taking a decision on this issue, it is considered expedient to ascertain the wishes of the electors of Telengana region of 9 districts through an opinion poll on the question whether Telengana area should be formed into a separate State or it should continue to be in the State of Andhra Pradesh as at present. This Bill seeks to make necessary provision for taking the opinion poll generally on the lines of the corresponding provisions of the election law.

NEW DELHI;
The 17th May, 1969.

M. NARAYANA REDDY.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for opinion poll being taken in the nine districts of Telengana region of Andhra Pradesh. Clauses 6, 7 and 15 provide for Opinion Poll Commissioner being designated or nominated and for the appointment of Assistant Opinion Poll Commissioners, Presiding Officers and Polling Officers. Clause 8 envisages staff of local authorities being utilised in connection with the poll where necessary. Under clause 10 the Opinion Poll Commissioner has to provide sufficient number of polling stations for Telengana. Clause 12 provides for votes being given by ballot etc. Sections 160 to 167 of the Representation of the People Act, 1951, which will apply by virtue of clause 16 to and in relation to the opinion poll as they apply to and in relation to an election, envisage requisitioning of premises, vehicles etc., for the purposes of the opinion poll and payment of compensation.

The provisions mentioned above if enacted and brought into force will involve expenditure from the Consolidated Fund of India on account of travelling allowances of the officers and staff engaged on the poll, for setting up polling stations, for the printing of ballot papers, purchase of indelible ink and payment of compensation in respect of premises requisitioned. The expenditure will be of a non-recurring nature and, in the light of the expenditure incurred on opinion poll in Goa, Daman and Diu some time ago, is expected to be of the order of about rupees 10 lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 read with clauses 9 and 12 of the Bill empowers the Central Government to make rules with regard to certain matters. The matters in respect of which such rules may be made include, *inter alia*, the duties of the Opinion Poll Commissioners, the Presiding Officers and Polling Officers, the manner in which votes shall be given, the procedure as to voting at opinion poll to prevent personation, etc.

The matters in respect of which rules may be made are matters of administrative detail and procedure and as such the delegation of legislative power is of a normal character.

BILL NO. 61 OF 1969

A Bill to provide for the recruitment of persons in Central Government service and in public sector undertakings on the basis of certain priorities

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Government Employees Recruitment Act, 1969.

Short title,
extent and
commence-
ment.

(2) This Act shall be applicable to all the Ministries and Departments of the Government of India and all the public sector undertakings.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'Adwij' means all classes declared as such by the Backward Classes Commission and those which are not Dwij, excluding Harijans.

(b) "community" means a community like Hindu, Muslim, Sikh, Christian, Buddhist, etc.

(c) 'Dwij' means Brahmin, Kshatriya and Vaishya.

(d) "Harijan" means a person belonging to a Scheduled Caste or Scheduled Tribe.

(e) "language" means all or any of the Indian languages specified in the Eighth Schedule to the Constitution.

(f) "proletariat" means a person who does not own any property such as land, shop or factory etc. and who is not likely to inherit such property.

Priorities
on which
recruitment
is based.

3. The Central Government shall make recruitment of their employees on the basis of the following priorities:—

(1) first priority shall be given to an applicant who is a proletariat, is born of father and mother belonging to different communities, who has married a person who speaks a different language or belongs to a different State, and in case he/she is a Hindu has married a person belonging to a different group of Dwij, Adwij or Harijans;

(2) second priority shall be given to an applicant who is a proletariat and has married a person belonging to a different community or different State, and in case he/she is a Hindu has married a person belonging to a different group of Dwij, Adwij or Harijans;

(3) third priority shall be given to a proletariat who is married in a different community, and in case he/she is a Hindu and has married a person not belonging to Dwij, Adwij or Harijan groups;

(4) fourth priority shall be given to an applicant who is a proletariat and has married in a different community;

(5) fifth priority shall be given to an applicant who is a proletariat only; and

(6) sixth priority shall be given to an applicant who has married in any different community.

Prescribed
qualifications
to be kept
in view
for implementing
priorities.

4. (1) Only prescribed qualifications shall be kept in view while implementing the priorities mentioned in section 3, and the marks obtained by a person in written test and interview shall not be taken into account.

(2) In case candidates as mentioned in section 3 are not available to fill up the vacancies on the basis of prescribed qualifications, the vacancies shall be filled up by recruiting other candidates.

5. (1) The Central Government may make rules for carrying out the purposes of this Act.

Power to
make rules

(2) Every rule made by the Central Government under this Act, shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall there after have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

With a view to lessen the communal tension, to prevent conflicts based on language and region and to abolish the caste system, it is essential to recruit such person in Government service who marry someone by breaking all the ties of community, language, State and caste or are progeny of such parents. Keeping in view the unemployment position and also to avoid the vested interests of a Government employee, it is necessary that in Government service priority should be given to a proletariat. Only that Government can give inspiration to maintain national integrity and to carry on a movement to abolish the ill feelings regarding community, State, language and caste, the administrators in which themselves implement it.

Hence this Bill.

NEW DELHI;
The 28th May, 1969.

MAHARAJ SINGH BHARTI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Central Government shall have power to make rules to give effect to the provisions of the Bill when enacted. The proposed delegation of powers is of a normal character.

BILL No. 66 OF 1969

A Bill to provide for the advertisement of the hazards involved in smoking cigarettes.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Smoking Hazards (Advertisement) Act, 1969.

Short
title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "advertisement" means public announcement through newspaper display, posters, placards, cinema slides, radio, television or through any other means or media.

(b) "advertiser" means an individual or a firm or any other agency or establishment who gives an advertisement.

(c) "cigarette" means a small cylinder of cut tobacco or of narcotic or medicated substance rolled in paper for smoking.

Warning
to be
included
in adver-
tisements.

3. (1) From the date of operation of this Act, every advertisement of cigarettes in India shall include the following in bold letters: "Warning: Cigarette smoking is dangerous to health and may cause death from cancer, coronary heart disease, chronic bronchitis, pulmonary emphysema and other diseases".

(2) The warning mentioned in sub-section (1) shall be published in the language in which the cigarette advertisement appears.

Penalty.

4. (1) Any advertiser who fails to publish the warning contained in section 3 of this Act shall be punishable with imprisonment which may extend to three years and with fine which may not exceed ten thousand rupees for every act of default on his part.

(2) Any one who accepts an advertisement from an advertiser without containing the warning mentioned in section 3 of this Act shall be punishable with imprisonment which may extend to three years and with fine which may not exceed ten thousand rupees for every act of default.

Power to
make
rules.

5. (i) The Central Government may, by publication in the Official Gazette, make such rules as are necessary to carry out the purposes of this Act.

(2) Every rule made by the Central Government under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Medical authorities, after considerable research and experimentation, have come to the conclusion that smoking of cigarettes constitutes a grave hazard to the health of the person who smokes, and may cause cancer, coronary heart diseases, chronic bronchitis, pulmonary emphysema and other diseases. In the United States of America, it is now obligatory that all cigarette advertisements should include a warning similar to the one contained in clause 3(1) of this Bill.

Smoking of cigarettes has been on the increase in India, and undoubtedly it is taking its toll on the health and life of those who smoke. While the stubborn may be left to their fate, those who may want to learn from the experience of others and who would not like to endanger their health by smoking should be constantly warned of the dangers involved in smoking. That is the purport of this Bill.

NEW DELHI;
The 29th May, 1969.

GEORGE FERNANDES.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill confers rule-making powers for the enforcement of the provisions of this Act on the Central Government. The delegation of such power is of normal character.

BILL NO. 55 OF 1969

A Bill further to amend the Indian Railways Act, 1890 and to provide for better railway travel in the country

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Railways (Amendment) Act, 1969.

Short title,
extent and
commen-
cement.

(2) It shall extend to the whole of India.

(3) It shall come into force within one year of its enactment.

Insertion
of new sec-
tion 62A.

2. After section 62 of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), the following new section shall be inserted, namely:—

Abolition
of classes
in trains.

“62A. There shall be only one class for railway travel and no distinction shall be made in respect of the compartments or carriages in any train worked by any railway and all such classifications such as air-conditioned, first class, second class and third class, wherever in existence, shall be done away with within one year of the commencement of this Act.”

Insertion
of new
section
63A.

3. After section 63 of the principal Act, the following new section shall be inserted, namely:—

Issue of
excess
tickets.

“63A. No railway administration shall issue tickets in any train in excess of the maximum number of passengers which may be carried in each compartment of every description of carriage as fixed under section 63.”

Amend-
ment of
section 66.

4. To section 66 of the principal Act, the following proviso shall be added, namely:—

“Provided that no tickets shall be issued if the railway is unable to provide accommodation to the passengers holding the tickets.”

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to abolish the present class distinctions in railway travel and to introduce only one kind of rail travel in the country. This would not only result in better travel facilities for all passengers travelling by the railways, but also contribute in no small measure to social integration in the country by doing away with class distinctions from one more sphere of public activity.

NEW DELHI;

GEORGE FERNANDES.

The 29th May, 1969.

BILL No. 62 OF 1969

A Bill to provide for the constitution of a permanent Boundary Commission to resolve inter-State boundary disputes between States and States and between Union Territories and States.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Boundary Commission Act, 1969.
(2) It shall come into force at once.
2. The President shall appoint a Boundary Commission headed by a Judge of the Supreme Court and consisting of two other members who shall not be holding office under either the Union or the State Government.
3. The Commission shall resolve every boundary dispute on the basis of the following criteria:—
 - (1) a village shall be the basic unit;

Short title
and com-
mencement.

Appoint-
ment and
composition
of the Com-
mission.

Criteria for
resolving
boundary
disputes.

-
- (2) simple linguistic majority, failing which relative linguistic majority, shall be the determining factor;
 - (3) geographical contiguity shall also be kept in view while applying the criteria at (1) and (2) above.

Findings
of the
Commis-
sion.

4. The findings of the Commission shall be binding on all the parties to a dispute.

STATEMENT OF OBJECTS AND REASONS

There is a growing threat to the nation's unity from the increasing bitterness arising out of boundary disputes between States. These disputes must and can be resolved expeditiously in the interest of the nation's unity and strengthening our people's faith in the democratic processes. Such disputes have defied solution mainly because of the absence of well-laid and universally applicable principles. The Bill seeks to provide these.

NEW DELHI;

NATH PAI,

The 21st June, 1969,

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the appointment of a Boundary Commission consisting of a Judge of the Supreme Court and two other Members. Expenditure on this account is estimated to be roughly about 3 lacs of rupees per annum recurring by way of salary and allowances of the Chairman and members and staff of the Commission.

A non-recurring expenditure of about 10,000 rupees may have to be incurred initially for furniture and office equipment of the Commission.

BILL NO. 57 OF 1969

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1969.
2. Article 359 of the Constitution shall be omitted.

Short
title.

Omission
of article
359.

STATEMENT OF OBJECTS AND REASONS

The right to go to the High Court or the Supreme Court as the case may be is one of the most precious and important rights available to a citizen seeking redressal of a wrong or a grievance. Unfortunately once an emergency is proclaimed this right is suspended with the result that both the aggrieved citizen and the court are helpless. It is not seldom that the courts have declared that the wrong complained of has in fact taken place but that they are helpless to redress it because of Article 359. The citizens' right to seek redressal and the power of the High Court and the Supreme Court to grant relief should not be suspended even temporarily and therefore to make this right always available to a citizen, it is necessary to delete Article 359 and hence this Bill.

NEW DELHI;
The 21st June, 1969.

NATH PAI.

S. L. SHAKDHER,
Secretary.

CORRIGENDA

In the Gazette of India Extraordinary, Part II—Section 2: No. 33, dated the 20th May, 1969:—

1. Page 501, line 43, after "1970" for "," read ")"
2. Page 503, line 46,—
after "rupees" insert ","
3. Page 508, line 15,—
for "expen iture" read "expenditure"
4. Page 511, line 3,—
after "and sub-section" insert '(1A) of section 32'
5. Page 514,—
for line 23, read
'words, "registered firm", the words "registered or recognised firm" shall'
6. Page 528, line 45,—
after "registered", for "of" read "or"
7. Page 530, line 6,—
after "been" insert ","
8. Page 534, line 25,—
for "280Z" read "280ZA"
9. Page 558, line 16,—
after "October" insert ","
10. Page 565, line 7,—
for "Registra" read "Registrar"
11. Page 656, line 36,—
for "reasonable" read "reasonable"
12. Page 570, line 43,—
for "funishing" read "furnishing"
13. Page 583, line 6,—
after "the" insert "publication of the"